

# Notice of Allowability

Application No.

09/767,163

Examiner

Jorge L. Ortiz-Criado

Applicant(s)

MOCHIZUKI ET AL.

Art Unit

2655

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/17/2005.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### *Election/Restrictions*

1. Independent claims 1 and 4 are generic to dependent claims 2-3, 6-8 and 5 respectively and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claims 2-3 and 6-8, directed to the species a, d and e no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim. The previous election/restriction requirement does not set forth any generic claims identified for all of the species claimed since the placement of claims 11-12.

## EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with James K. Folker on 10/27/2005.

The application has been amended as follows:

In the claims:

- a. Claims 11-12 have been canceled.

*Allowable Subject Matter*

4. Claims 1-9 are allowed.

The following is an examiner's statement of reasons for allowance:

In regard to claims 1-8, Applicants arguments with respect to Kim and Kuhn references are persuasive.

The prior art made of record (Kim and Kuhn) and JP 06-119708 reference teaches an information storage apparatus, operated by electric power, for holding an information recording medium in a predetermined position and rotating the information recording medium in a predetermined direction to perform at least information reproduction with respect to the information recording medium, and a decelerator for decelerating rotation of said information recording medium in a first deceleration mode which consumes a relatively large amount of power, or decelerating the rotation of said information recording medium in a second deceleration mode which consumes a relatively small amount of power depending on if its connected to a certain kind of power supply.

The prior art fails to teach either alone or on combination decelerating rotation of said information recording medium in a first deceleration mode which consumes a relatively large amount of power, or decelerating the rotation of said information recording medium in a second deceleration mode which consumes a relatively small amount of power depending specifically depending upon whether a recognition section recognizes that the electric power is the power of the predetermined level or more, or that said electric power is less than the predetermined level.

In regard to claim 9, the prior art made of record (U.S. 5,715,157) teaches an information storage apparatus, operated by electric power, for holding an information recording medium in a predetermined position and rotating the information recording medium in a predetermined direction to perform at least information reproduction with respect to the information recording medium having a brake for applying a brake force to said information recording medium to decelerate rotation, and an intermittent braking decelerator for intermittently operating said brake to decelerate the rotation of said information recording medium when a rotation speed of said medium exceeds a predetermined value; wherein said intermittent braking decelerator intermittently operates said brake to decelerate the rotation of said information recording medium.

The prior art made of record fails to teach either alone or in combination intermittently operates said brake to decelerate the rotation of said information recording medium and specifically subsequently continuous operates said brake to further decelerate the rotation of the information recording medium

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L. Ortiz-Criado whose telephone number is (571) 272-

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7624. The examiner can normally be reached on Mon.-Thu.(8:30 am - 6:00 pm),Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Thi Nguyen can be reached on (571) 272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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10/31/05